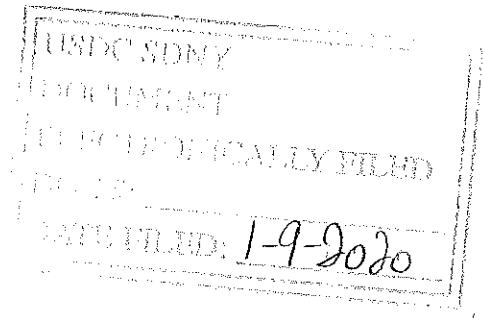


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January 7, 2020

FILED VIA ECF

Honorable Paul A. Crotty
United States District Court
500 Pearl Street
New York, NY 10007

Re: In re: Energetic Tank, Inc.
S.D.N.Y. 1:18-cv-01359 (PAC)

Dear Judge Crotty:

1/8/2020
The proposed schedule is
adopted
As ordered
Paul Crotty
CJPR

We represent Petitioner Energetic Tank, Inc. in this matter. We write in advance of the status conference scheduled for this Wednesday June 8, 2020 at 11:30 a.m. to report that the parties have jointly agreed a proposed expert discovery schedule in respect of the liability issues, as follows:

- Claimants' expert reports to be served by February 21, 2020;
- Petitioner's expert reports served by April 3, 2020;
- Claimants reply expert reports, if any, served by April 17, 2020, subject to flexibility if needed on an individual basis;
- All expert depositions to be concluded by June 15, 2020.

The proposed end of expert discovery in respect of liability is two weeks later than the end-of-May date that the parties had previously proposed and agreed by the Court (*See* Tr. of 11/14/19 conference, pp. 39-41); this change is intended to work around some known scheduling conflicts in April/May. We believe, however, that this proposed schedule remains consistent with the Court's stated intention for a Phase I trial in September 2020. (*Id.* at p. 42).

Meantime, further to the Court's November 14, 2019 order directing the parties to meet and confer to propose a discovery schedule for the personal injury, wrongful death and property damage claims, (Dkt. 240, p. 3), Petitioner and the United States have worked out the following

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proposed discovery schedule in respect of the United States' damages claims, which are currently scheduled to proceed as part of the Phase I trial:

- All written discovery requests to be propounded such that the response date under the Federal Rules of Civil Procedure will be no later than March 30, 2020; however, this deadline will not bar Petitioner from requesting additional documents that may come to light during depositions occurring after this deadline so long as such requests are reasonably targeted to the subject matter of the deposition;
- All fact discovery to close by April 30, 2020;
- The United States to issue any damages expert reports by May 15, 2020;
- Petitioner to issue any damages expert reports by June 15, 2020;
- All expert discovery to conclude by July 15, 2020.

The parties are continuing to confer with respect to the scheduling of further discovery concerning the injury and death claim damages, which would proceed in a Phase II trial, if necessary.

The parties thank the Court for its continued attention to this matter and look forward to addressing any questions or concerns at this Wednesday's conference.

Respectfully submitted,

Thomas H. Belknap, Jr.

Cc: All counsel (via ECF)